



ZONING ADMINISTRATOR

NOTICE OF DECISION

Date: February 14, 2014
Applicant: Karina's Mexican Seafood Restaurant
Case No.: PCC-13-027
Address: 866 Eastlake Parkway, Suite 110
Project Planner: Caroline Young

Notice is hereby given that on February 14, 2014, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-027, filed by Karina's Mexican Seafood Restaurant ("Applicant"). The Applicant requests a CUP to allow live entertainment and sale of hard alcohol for the existing Karina's Mexican Seafood Restaurant. The Project is located at 866 Eastlake Parkway Suite 110 within the Eastlake Village Walk retail center ("Project Site") and the property is owned by VWE Owner LLC ("Property Owner"). The Project Site is zoned Planned Community (PC) within the Eastlake II Specific Planning Area (SPA) with a General Plan designation of Commercial Retail (CR). The Project is more specifically described as follows:

The Project includes a proposal to allow live entertainment and sale of hard alcohol for the existing Karina's Mexican Seafood Restaurant. The restaurant hours of operation will be extended from 8:00 a.m. to 12:00 a.m., to 8:00 a.m. to 2:00 a.m. each day of the week. The restaurant will serve hard alcohol in addition to beer and wine currently served to the customers. Live entertainment will also be provided, however, it will be limited to karaoke or up to four (4) unamplified entertainers; with the exception that one entertainer may use a microphone or other amplifying device for voice projection only.

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (existing facilities) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code and the Eastlake SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed sale of hard alcohol will complement the restaurant food service and continue to provide a desirable service to the surrounding residents. The proposed

use will not adversely affect the general well being of the neighborhood or the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The restaurant will only be allowed to sell hard liquor on-site within the restaurant and outdoor patio area, while no off-site sales, sales of hard liquor, or operation of a nightclub with dancing or live music will not be permitted. Live entertainment on the premises shall be limited to karaoke or up to four (4) unamplified entertainers; with the exception that one entertainer may use a microphone or other amplifying device for voice projection only.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The subject property meets all Zoning Code regulations. The existing restaurant will add a small stage area inside the restaurant for live entertainment limited to karaoke or up to four (4) unamplified entertainers; with the exception that one entertainer may use a microphone or other amplifying device for voice projection only, in accordance with the Police Department's regulations. The conditional approval of PCC-13-027 requires continued compliance with all conditions, codes and regulations, as applicable. The Applicant shall comply with the ABC Licensing from the State of California and the Chula Vista Police Department and continue to obtain a valid ABC license throughout the operation of the business in order to serve hard alcohol in the restaurant.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

This Conditional Use Permit is in compliance with the General Plan, Zoning Ordinance, and land use designations listed therein. The General Plan designation for the property is Commercial Retail. The existing restaurant is a retail use, so it will not alter the land use patterns of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-13-027 as described above subject to the following conditions of approval:

- I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

5. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

6. The Applicant shall obtain approval of the ABC Licensing from the State of California and the Chula Vista Police Department and continue to obtain a valid ABC license throughout the operation of the business in order to serve hard alcohol in the restaurant.
7. The Applicant shall provide recycling containers within the restaurant for the proper disposal of the glass or bottle beer or wine.
8. The sale of hard alcohol shall be on-site, inside the restaurant, and within the outside patio area. No alcohol shall be permitted within the common patio seating area for the Village Walk at Eastlake shopping center.

Police Department

9. Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 8:00 a.m. and 2:00 a.m. each day of the week.
10. Live entertainment on the premises shall be limited to karaoke or up to four (4) unamplified entertainers; with the exception that one entertainer may use a microphone or other amplifying device for voice projection only.

Fire Department

11. With the addition of a stage area, the Applicant is required to obtain a building permit by providing plans for review and approval. Plans need to include a new egress plan and occupant load analysis. Plans shall also include exact location, construction, height, etc. of stage.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-027, approved on February 14, 2014, which include a site plan and floor plans on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
5. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.